

US Serial No. 10/576770  
Page 1 of 4

RECEIVED  
CENTRAL FAX CENTER  
JUN 25 2008

Attorney File Ref: 102792-572 / 11348P1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Fabrizio GAVELLI et al.  
Serial No.: 10/576770  
Filed: 21.April.2006  
Examiner: Ilya Y. TREYGER  
Art Group: 3709  
Title: ARTICLE AND METHOD

---

PER TELEFAX 571-273-8300

25 June 2008

Mail Stop: Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313 - 1450

**AFFIDAVIT OF Nanci MANFREDI UNDER 35 U.S.C. 1.132**

I, Nanci Manfredi, do attest as follows:

1. I have been actively engaged as the docketing clerk at Norris McLaughlin & Marcus PA for a period of nine (9) years. Prior to that, I was the docketing clerk for my prior firm, Sprung, Kramer, Schaefer & Briscoe, which was merged with Norris McLaughlin & Marcus PA for a period of nineteen (19) years.

US Serial No. 10/576770  
Page 2 of 4

2. During the above term, I have been the sole person permitted to make entries and enter changes to our docketing system "CPI" at our firm's New York offices. No attorney or other staff member may enter any changes, including additions or deletions, to the docketing record.
3. It is my primary responsibility to docket all communications received from the USPTO in a timely manner during the normal course of my day-to-day duties.
4. All correspondence from the Patent Office is delivered to me, I enter the receipt of correspondence from the Patent Office into our docketing system, "CPI" for each particular matter, and enter the due-date for the response. The docketed correspondence is then delivered to the responsible attorney with the file for further action.
5. At the request of Andrew N. Parfomak, Esq., attorney and partner at our firm, I generated a report today, titled "Due Date List by Date" which lists all outstanding actions due for any of the patent attorneys in our firm for the time interval inclusive of 01 August 2007 through 05 August 2007. A copy of the results of this search are enclosed. I also printed out a copy of the search parameters which were entered in order to generate the "Due Date List by Date", a printout of which I also enclose which is titled "Report Selection", indicating that the sole search query limitations were those of the foregoing dates.

As the "Due Date List by Date" attests, there is no entry for the any response due for US Ser. No. 10/576770 in that range of date. If the *Office Action* of 04.May.2007 had been timely received by our offices, it would have been passed to my attention and entered and would have resulted in an entry in the "Due Date List by Date" report for that period.


US Serial No. 10/576770  
Page 3 of 4

As can be seen by inspection, there are no such due dates listed for any actions due for US Ser.No. 10/576770, although other office actions for other pending applications were evidently received by us as evidenced by the several entries visible on "Due Date List by Date".

6. As indicated, the docket report for the instant application shows that no Office Action was received, and the report indicates that no due-date had been entered for this application, as would have been had the Office Action been received.

The copy of the docket report attached is the docket record where the non-received Office Communication would have been entered had it been received and docketed, as required by MPEP Section 711.03(e)(II).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

  
Nanci Manfredi

Date: 6/25/08

Norris, McLaughlin & Marcus PA  
875 Third Avenue, 18<sup>th</sup> Floor  
New York, NY 10022

Tel: (212) 808-0700

US Serial No. 10/576770  
Page 4 of 4

RECEIVED  
CENTRAL FAX CENTER  
JUN 25 2008

**CERTIFICATION OF TELEFAX TRANSMISSION:**

I hereby certify that this paper and any indicated enclosures thereof are being telefax transmitted to the US Patent and Trademark Office to telefax number: 571-273-8300 on the date shown below:

Allyson Ross  
Allyson Ross

6/25/08  
Date

C:\ANPCMB\102792\572\Affidavit01.doc

Wednesday, June 25, 2008		Due Date: 06/25/2008		Due Date: 06/25/2008		Due Date: 06/25/2008		Due Date: 06/25/2008		Due Date: 06/25/2008	
Due Date	Indicator	Action Due	Action Type	Case Number/SubCase	Country	Status	Client	App Number	Pat Number	App Date	Attys
05-Aug-2007		NM CU2 AWAIT FIRST ACTION		02132 028 /	United States of America	Published	Dr. Ing. Peter Riebling	10/548787		05-May-2006	CH
Due Date		NM CU2		Title: METHOD FOR ENABLING A COMBINATION OF SEVERAL INDIVIDUAL PRODUCTS TO BE IDENTIFIED CLEARLY							
CaseType: PCT											
05-Aug-2007		DDK PUB SCANNED PTO? IMO		02132 029 /	United States of America	Published	Dr. Ing. Peter Riebling	10/550914		29-Jan-2007	CH
Reminder		PUB SCAN		Title: METHOD FOR IMMEDIATE DELIVERY OF EMAIL TO TELECOMMUNICATION TERMINALS							
CaseType: PCT											

Wednesday, June 25, 2008		Report Selection		Confidential	
<input checked="" type="radio"/> by Due Date <input type="radio"/> by Due Date (Calendar) <input type="radio"/> by Attorney <input type="radio"/> by Attorney (Via Email) <input type="radio"/> by Client		<div>Report Format</div> <div><input type="radio"/> Concise <input checked="" type="radio"/> Comprehensive</div>		<div>Remarks</div> <div><input checked="" type="radio"/> Print <input type="radio"/> Do Not Print</div>	
From Date: 01-Aug-2007		To Date: 05-Aug-2007		Preview before printing <input checked="" type="checkbox"/>	
Client:		Attorney:		Status(es):	
Action Type:				<div>Status Codes:</div> <div><input type="radio"/> Active <input type="radio"/> Inactive <input checked="" type="radio"/> All</div>	
Action Due:					
Indicator:					
Country:		Area:			